

**Federal Defenders  
OF NEW YORK, INC.**

Southern District  
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February 23, 2021

**VIA ECF**

Honorable Paul A. Engelmayer  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: United States v. Jose Perez  
19 Cr. 297 (PAE)**

Dear Judge Engelmayer,

I write to request that the Court consider granting Mr. Perez bail for a period of 4.5 hours on Friday, February 26, 2021, to attend the funeral service for his sister, Martha, in the Bronx. The government, by Assistant United States Attorney Jacob Fiddelman, opposes this request.

Mr. Perez's sister, Martha Noa, died earlier this month after a years-long battle with dementia. Martha was one of Mr. Perez's two biological sisters. The funeral service will be held at a church in the Bronx on Friday, February 26, 2021 at 5:00 p.m. See Exhibit A, Funeral Announcement.<sup>1</sup> Therefore, Mr. Perez seeks permission to leave the MDC at 3:30 p.m. and return at 8:00 p.m. that same day.<sup>2</sup>

We propose two alternative ways that the Court can grant this request:

First, the Court could release Mr. Perez on a bond for those 4.5 hours, which would commit him and any co-signers monetarily to his return to MDC. The Court could also require that a family member accompany him to and from the service. See, e.g., United States v. Summers, 09 Cr. 807 (DLC), Dkt. No. 14 (S.D.N.Y. Jan. 9, 2010) (granting temporary bail for detained defendant to attend funeral); United States v. White, 06 Cr. 397 (LAP), Dkt. No. 16 (S.D.N.Y. Apr. 18, 2007); United States v. Dunn, 11 Cr. 638 (SAS) (S.D.N.Y. Mar. 9, 2012).

<sup>1</sup> Undersigned counsel is pleased to report that Mr. Perez has received two doses of the COVID-19 vaccine while incarcerated; therefore, the risks posed to him by attending this event are greatly minimized.

<sup>2</sup> Googlemaps estimates that the trip will take approximately 1.5 hours in each direction on public transportation. This window will allow for approximately 3 hours of travel and 1.5 hours at the church.

Second, the Court could order Mr. Perez released on a ‘take-out’ order into the custody of the United States Marshal Service and he could attend the funeral in their custody. See, e.g., United States v. Firpo, 11 Cr. 247 (RWS), Dkt. No. 9 (S.D.N.Y. Feb. 9, 2012) (granting request for take-out order for Marshals to accompany detained individual to funeral).<sup>3</sup>

I have spoken to Mr. Perez, his wife Annette, and his other biological sister Alma, and they would all be extremely grateful to be able to briefly mourn together. Alma has also called the MDC Chaplain to share the details of their sister’s death and funeral arrangements.

Thank you for your consideration.

Respectfully submitted,

/s/

Sylvie Levine  
Attorney for Mr. Perez

cc: A.U.S.A. Jacob Fiddelman

**DENIED.** In light of Mr. Perez’s record of disappearance and flight, the Court, regrettably, cannot grant this request. The Court expresses its condolences to the Perez family on its loss. The Clerk of Court is requested to terminate the motion at Dkt. No. 111.

2/23/2021

SO ORDERED.

  
PAUL A. ENGELMAYER

United States District Judge

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<sup>3</sup> A.U.S.A. Fiddelman advised that in another case, the Marshals were not willing to perform this type of escort. If the Court is interested in this option, the parties can follow up with the Marshals accordingly.